

**CITY OF HENDERSONVILLE**  
**Historic Preservation Commission**

**Minutes of Meeting of July 21, 2010**

**Commissioners Present:** Staci Blatt, Bette Carter, Charles Kuester, John Ogletree, Marty Payton, Brooke Tate (Chair), Jo Tyler

**Commissioners Absent:** Cheryl Jones

**Staff Present:** Tim Murphy, City Planner; Lu Ann Welter, Administrative Assistant

**I Call to Order.** The Chair called the monthly meeting of the Hendersonville Historic Preservation Commission to order at 5:00 p.m

**II Agenda.** *On motion of Commissioner Carter, seconded by Commissioner Ogletree, the Commission approved the agenda.*

**III Minutes.** *On motion of Commissioner Ogletree, seconded by Commissioner Carter, the minutes of June 16, 2010 were approved.*

**IV. 202-206 N. Main Street, Findings of Fact and Conclusions of Law, File # H10-34-COA.** Mr. Murphy reminded the Commission that on June 16, 2010, the Historic Preservation Commission held a quasi-judicial hearing regarding an application for a certificate of appropriateness from Robert and Layla Rogers. The application proposed extensive modifications to 202–206 N. Main St. for a restaurant. City Attorney Sam Fritschner has prepared Findings of Fact and Conclusions of Law regarding the Commission’s decision.

*Commissioner Carter moved the Commission to adopt the Findings of Fact and Conclusions of Law for file number H10-34-COA. The motion was seconded by Commissioner Tyler and passed unanimously.*

**V 1208 Highland Avenue, Certificate of Appropriateness, File # H10-39-COA.** Prior to opening the public hearings, the Chair announced that any persons desiring to testify in either of these hearings must first be sworn as a witness and will be subject to cross-examination by parties or persons whose position may be contrary. A copy of the protocol for a quasi-judicial hearing is provided on the back table next to the agenda. As this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on. Therefore, refrain from speaking until recognized by the Chair and, when recognized, come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on these applications should disclose it now.

After swearing in potential witnesses for both hearings, the Chair opened the first public hearing. At the request of Tim Murphy, City Planner, Commission File No. H10-39-COA was admitted into evidence and the Commission took official notice of the Code of Ordinances of the City of Hendersonville and the Commission’s Design Guidelines.

The Planning Department is in receipt of an application for a certificate of appropriateness from Joseph Darrell Jones to undertake the following work at 1208 Highland Ave.:

1. Install an accessory building in the rear yard.

According to the Historic Preservation Commission's Rules of Procedure, applications for accessory buildings are to be reviewed for approval by the Commission as a "major work".

The proposed wooden accessory building will be installed in the rear yard along the side property line between the existing wooden accessory building to remain and the house. The proposed accessory building will be 12' x 15' with a height of 7' and will replicate the appearance of the existing accessory building. Staff has provided photographs showing the location of the existing and proposed accessory buildings.

As mentioned in the National Register designation report, this lot drops away from the street. The existing accessory building is barely visible from Highland Ave. There is existing vegetation along the side property line that will partially screen the proposed accessory building from the neighboring property. Per the City's Zoning Ordinance, the accessory building must be setback a minimum of 5' from the side and rear property lines.

The applicant did not meet with the Design Review Advisory Committee.

The Chair asked if anyone had any questions of staff. The Chair asked if the applicant would like to speak to the Commission. Mr. Darrel Jones of 1208 Highland Avenue said they recently adopted four grandkids and his wife's studio had moved into the basement so his MG was moved out of the basement and needs to be protected. The Chair asked if anyone from the public would like to speak. She asked if the Commissioners had questions for the applicant. Commissioner Blatt asked if the new building would mimic the existing one. Mr. Jones said yes, except it would have wider doors for the car. With no one else to speak, the Chair closed the public hearing.

The Chair commented it will not be visible from the street.

***Commissioner Tyler moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H10-39-COA, if constructed according to the plans reviewed at this meeting and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Hyman Heights Local Historic District for the following reasons: 2.5.6 Locate and orient new garages and accessory buildings in locations compatible with the traditional relationship of garages and accessory buildings to the main structure and the site in the district. The motion was seconded by Commissioner Blatt and passed unanimously.***

**VI 1208 Highland Avenue, Certificate of Appropriateness, File # H10-39-COA.** The Chair opened the public hearing. At the request of Tim Murphy, City Planner, Commission File No. H10-41-COA was admitted into evidence and the Commission took official notice of the Code of Ordinances of the City of Hendersonville and the Commission's Design Guidelines.

The Planning Department is in receipt of an application for a certificate of appropriateness from John Kneedler to undertake the following work at 1401 Highland Ave.:

Construct a deck on the rear of the building.

According to the Historic Preservation Commission's Rules of Procedure, applications for additions to buildings are to be reviewed for approval by the Commission as a "major work".

The subject property is listed as **contributing** in the *Hyman Heights Local Designation Report* and is described as: **1401 Highland Avenue** Built ca. 1930s. Shingled 2-story cottage with front stone & brick chimney. Replacement windows on 1st floor.

The subject property is listed as **contributing** on the National Register and described as: **1401 Highland Avenue. William T. Egerton House. after 1923.** Two-story Shingle style house with a steeply pitched cross gable roof. Notable stone front exterior chimney. Windows are six-over-one. House site high on the hill above street, with steps leading up to it. Notable stone retaining wall. Front door may be a modern replacement.

The proposed wooden deck will be constructed on the rear of the house facing Mount Royal Lane. The house and the proposed deck location are visible from Mount Royal Lane. This property is wooded along both side property lines. Visibility of the deck from Highland Ave. would be minimal due to the grade change and existing vegetation.

The applicant has provided sketches of the proposed deck dimensions. The maximum length of the deck parallel to the house is 20' and the deck will extend 8.5' from the edge of the house toward Mount Royal Lane. The deck will have a height of approximately 9' at the side edge of the house and will be located 3' below the first floor windows. The deck height will match the height of the existing landing. The deck will not have a roof. The railing on the proposed deck will match the height of the railing on the existing landing.

The applicant did not meet with the Design Review Advisory Committee.

The Chair asked if anyone had any questions of staff. The Chair asked if the applicant would like to speak to the Commission. John Kneedler of 1401 Highland Avenue said he would like to ask for an extension of one year to get his finances in order. The Chair asked about the railing. Mr. Kneedler said it would match the existing cedar stain railing. Commissioner Tyler asked if the deck would go over the existing door. Mr. Kneedler said yes. Commissioner Tyler asked if it would be seen from Highland Avenue. Mr. Kneedler said no, just a little from the side. With no further comments or questions, the Chair closed the public hearing.

***Commissioner Tyler moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H10-41-COA, if constructed according to the plans reviewed at this meeting and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Hyman Heights Local Historic District for the following reasons: 4.1.1 Locate and construct decks so that the historic fabric of the structure and its character-defining features and details are not damaged or obscured. Install decks so that they are structurally self-supporting and may be***

*removed in the future without damage to the historic structure; 4.1..2 Introduce decks in inconspicuous locations, usually on the building's rear elevation and inset from either rear corner, where they are not visible from the street and 4.1.3 Design and detail decks and associated railings and steps to reflect the materials, scale, & proportions of the building and further move an extension of one year for the application. The motion was seconded by Commissioner Ogletree and passed unanimously.*

VII **Vinyl Materials Committee memo and Design Guidelines Discussion.** Mr. Murphy reported the following;

The Historic Preservation Commission meeting on May 19, 2010, the Commissioners asked staff to modify the Vinyl Materials Committee memo dated November 18, 2009 to incorporate references to Sections of the Main Street Design Guidelines. The Commission requested these revisions in order to clarify that the Vinyl Materials Committee memo is applicable to projects in the Main Street Local Historic District as well as the residential Local Historic Districts.

Since the May 19<sup>th</sup> meeting, City Attorney Sam Fritschner has advised staff that the Historic Preservation Commission's decisions should be based on the adopted Design Guidelines in order to better withstand a legal challenge. The City Attorney has recommended to staff that the Commission incorporate information from the Vinyl Materials Committee memo into the residential and Main Street Design Guidelines as opposed to having a separate document. Based on the City Attorney's recommendation, staff is suggesting that the Historic Preservation Commission would be better served by amending the Design Guidelines instead of revising the Vinyl Materials Committee memo.

The Historic Preservation Commission declined to begin this discussion at their June 16, 2010 meeting due to the fact that only 4 Commissioners were present.

Discussion followed on requirements for contributing versus non-contributing structures and if vinyl was already in place should be allowed to be replaced in-kind. Commissioner Blatt asked about contributing houses that already have vinyl in some windows and want to build an addition. Commissioner Peyton said the rules keep everyone on an equal footing. The Chair said she felt the Committee recommendations should be incorporated into the Design Guidelines as they are. Commissioner Kuester asked if there was an inventory of how many structures had vinyl. Mr. Murphy said no. Commissioner Blatt commented they are "guidelines" and not the law. The Chair said the language may need to be altered some to match the existing guidelines.

*The Commission decided by consensus to incorporate the Vinyl Materials Committee Memo into both sets of Design Guidelines.*

VII **Committee Reports.**

**Designation Committee** – Mr. Murphy reported the following:

In 2008, the Historic Preservation Commission contacted owners of property on the State Historic Preservation Office (SHPO) study list to determine if they were interested in having

their properties nominated to the National Register of Historic Places. In response, owners of properties at 530 First Ave. W. (David Metcalf and Bobby Phillips) and 219 Stoney Mountain Rd. (David and Kathleen Young) expressed interest in National Register nomination. No action has been taken by the Historic Preservation Commission or the property owners toward nomination of either property to the National Register.

For the past several months, the Designation Committee has been meeting to discuss potential nominations to the National Register of Historic Places as well as designation of local landmarks and historic districts. At their June 2010 meeting, the Designation Committee directed staff to send a letter to the owners of 530 First Ave. W. and 219 Stoney Mountain Rd. to determine if they were still interested in nomination to the National Register and/or Local Landmark designation. Staff has received confirmation from owners of both properties that they are interested in National Register and Local Landmark status.

The National Register of Historic Places is the Nation's official list of archeological, historical, cultural or architectural features and places that are worthy of protection. It can include individual properties or groups of properties as a historic district. Property owner consent is required prior to National Register designation.

Inclusion on the National Register usually does not restrict the ability of a property owner to modify the appearance of buildings or landscapes on their property. The exception would be if the owner has applied for federal and/or state tax credits available to National Register property owners. The review of federal and state tax credit applications and the appropriateness of the associated alterations are administered by the State Historic Preservation Office.

There are currently 12 individual properties and 7 historic districts within the City that are on the National Register of Historic Places. The designation process includes:

1. The Historic Preservation Commission, property owner or other applicant hires a consultant to conduct an architectural / historical survey and prepare a designation report for submission to the State Historic Preservation Office.
2. The State Historic Preservation Office solicits public comment on the proposed designation.
3. The State Historic Preservation Office and the state National Register Review Board review and approve the designation. This typically takes 90 days.

A local landmark is an individual property designated by City Council as having special historical and/or architectural significance. City Council designates local landmarks by adopting an ordinance. Local landmark designation does not require an amendment to the City Zoning Map. Property owner consent is required for local landmark designation.

Similar to a local historic district, owners of local landmarks are required to obtain certificate of appropriateness permit approval prior to modifying the appearance of designated buildings or landscapes. Certificate of appropriateness permit applications are reviewed for approval by the Historic Preservation Commission in accordance with adopted design guidelines.

Local landmarks differ from local historic districts in that property owners may apply for a 50% annual local property tax deferral for as long as the significant characteristics of the property are retained. If the property's historic integrity is lost, deferred taxes for the current year and the 3 preceding years must be paid.

The only local landmarks in the City are the Erle Stillwell I House at 1300 Pinecrest Dr. and the Erle Stillwell II House at 541 Blythe St. The local process includes:

1. The Historic Preservation Commission, property owner or other applicant hires a consultant to conduct an architectural / historical survey and prepare a designation report for submission to the State Historic Preservation Office.
2. The State Historic Preservation Office reviews the designation report and provides recommendations.
3. The Historic Preservation Commission reviews the designation report and State comments at a public hearing and recommends approval of the designation to City Council.
4. City Council reviews the proposed designation at a public hearing and approves an ordinance designating the local landmark.

The primary expense in nominating a property to the National Register and/or Local Landmark designation is preparation of a designation report by a qualified consultant. In 2009, staff inquired with Sybil Argintar of Southeastern Preservation Services regarding an estimate to prepare a designation report for an individual property. Staff received a general estimate of \$ 2,000 to \$ 2,500 plus expenses. While the Historic Preservation Commission is not required to prepare a formal Request for Proposals for designation report preparation, doing so may result in a lower cost.

Staff is requesting direction from the Historic Preservation Commission regarding whether the Commission is interested in providing financial support for National Register nomination and/or Local Landmark designation for 530 First Ave. W. and/or 219 Stoney Mountain Rd.

***The Commission agreed by consensus to advertise an RFP for the designation reports for 530 1<sup>st</sup> Avenue West and 219 Stoney Mountain Road.***

**Community Affairs** – Ms. Welter said a fall newsletter will be going out so if anyone has ideas for articles, please let her know.

**District Improvements** – A meeting will be scheduled. Commissioner Kuester was added to this committee.

**VIII Commissioners Comments.** No comments.

**IX Staff Comments.** Mr. Murphy reported the City has been listed as a Preserve America Community. The designation includes a sign and others can be purchased for \$187. ***The Commission agreed by consensus to purchase one additional sign for Main Street.***

Mr. Murphy informed the commission the Gypsy Heart metal awning has been removed. Mr. Murphy gave the Commissioners photos of seven properties with satellite dishes visible from the street. *The Commission agreed by consensus that staff should follow up with the property owners about moving the dishes to less conspicuous sites.*

**XI Financial Report.** Ms. Welter reported City Council has again budgeted \$10,000 for the Commission in the 2010-11 fiscal year. *Commissioner Tyler moved to accept the Financial Report which was seconded by Commissioner Blatt and passed unanimously.*

**XII Adjournment.** *The meeting adjourned at 6:10 p.m.*